

U. S. FOREST SERVICE
Washington Office State & Private Forestry, Cooperative Forestry Unit
Urban and Community Forestry Assistance Program

MEMBERSHIP BALANCE PLAN

1. Committee's Official Designation

National Urban and Community Forestry Advisory Council

2. Authority

The Charter for the National Urban and Community Forestry Advisory Council is hereby renewed pursuant to Section 9 of the Cooperative Forestry Assistance Act, as amended by Title XII, Section 1219 of Public Law No. 101-624 (Act) (16 U.S.C. 2105), and the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

3. Objectives and Scope of Activities

The purpose of the Council is specifically to:

- (1) Develop a national urban and community forestry action plan in accordance with Section 9 (g)(3)(A-F) of the Act;
- (2) Evaluate the implementation of that plan; and
- (3) Develop criteria for, and submit recommendations with respect to the urban and community forestry challenge cost-share program as required by Section 9 (f)(1-2) of the Act.

4. Points of View Needed for the Committee

The Council shall be composed of 15 representative members. A quorum of 8 members, of the 15-member Council, must be present to constitute an official meeting of the Council.

The Forest Service strives to ensure the Council is balanced in term of the points of view represented for the functions to be performed by the Council. The Council will be a diverse group of individuals representing the many uses for which the Forest was created, including, but not limited to urban and community forestry affairs.

The Council shall be composed of fifteen members appointed by the Secretary, as follows:

- (1) Two members representing national nonprofit forestry and conservation citizen organizations;
- (2) Three members, one each representing State, county, and city and town governments;
- (3) One member representing the forest products, nursery, or related industries;
- (4) One member representing urban forestry, landscape, or design consultants;
- (5) Two members representing academic institutions with an expertise in urban and community forestry activities;
- (6) One member representing state forestry agencies or equivalent state agencies;
- (7) One member representing a professional renewable natural resource or arboricultural society;
- (8) One member from Extension Service (National Institute of Food & Agriculture);
- (9) One member from the Forest Service; and
- (10) Two members who are not officers or employees of any governmental body, one of whom is a resident of a community with a population of less than 50,000 as of the most recent census and both of whom have expertise and have been active in urban and community forestry.

Steps will be taken to encourage fresh points of view, such as establishing staggered membership terms and limiting the number of renewed memberships. Members of the Council shall be appointed for terms of 3 years, and no member may serve for more than 2 consecutive terms. Council member's points of view are to be biased to reflect their interests.

Every effort will be made to ensure that the membership of this Council is balanced, nevertheless, USDA recognizes that committee membership is not static and may change, depending on the work of the committee, availability of candidates representing various interests, and so forth.

5. Other Balance Factors

Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Council. To ensure that the recommendations of the Council have taken into account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent the needs of men and women of all racial and ethnic groups, and persons with disabilities.

The National Council looks at a geographical balance to ensure different regions of the country are represented. It was observed that many of the national non-profits, and Federal agency representatives fell under the northern designation; however they had a national perspective rather than a northern perspective. The staff adjusted the geographical categories to capture a national perspective and establish a true balance of the northern perspective. The initial change has briefly impacted the Council's geographical balance which will be addressed in the next couple of nomination cycles.

6. Candidate Identification Process

Vacancies are filled with individuals selected from a pool of nominations and shall be filled in the manner in which the original appointments were made. Any member appointed to fill a vacancy occurring before the expiration of the term of the member's predecessor shall be appointed only for the remainder of such term. Appointments to vacant or expiring positions will be made annually.

Once candidates have been identified, their names and background data are submitted to the USDA White House Liaison's office for vetting. The vetting process includes a background check to determine if any of the candidates have a conflict of interest that would prohibit them from serving on the committee due to criminal or ethical violations.

7. Subcommittee Balance

The Membership Balance Plan for subcommittees is the same as it is for the parent committee. Currently, the Council does not have subcommittees.

8. Other

N/A

9. Date Prepared or Updated

December 13, 2013

10. Legal Background

Section 5(b)(2) of the FACA requires "...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that (1) the purpose of the membership balance plan is to ensure "that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;" and (2) "[a]dvisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed." (41 CFR § 102-3.60(b)(3)).

FACA mandates that Federal advisory committees be balanced in the points of view represented by the members, but leaves it to the discretion of each agency

on how to do this. The FACA regulations offer guidance in achieving a balanced Federal advisory committee membership, which include considering:

- (i) The Federal advisory committee's mission;
- (ii) The geographic, ethnic, social, economic, or scientific impact of the Federal advisory committee's recommendations;
- (iii) The types of specific perspectives required, such as those of consumers, technical experts, the public at-large, academia, business, or other sectors;
- (iv) The need to obtain divergent points of view on the issues before the Federal advisory committee; and
- (v) The relevance of State, local, or tribal governments to the development of the Federal advisory committee's recommendations." (41 CFR § III of App. A to Subpart B)